

**Amendments to the Drawings:**

The attached replacement drawing sheets make changes to Figs. 1-7 and replace the original sheets with Figs. 1-7.

Attachment: Replacement Sheets

## **REMARKS**

By this Amendment, the specification, drawings and claims 1, 12, 17, 21, and 21 are amended, claims 20 and 23 are canceled, and claims 26-31 are added. No new matter is added. Thus, claims 1, 6, 7, 10, 12, 15-19, 21, 22 and 24-31 are now pending in this application. Those claims should be allowed for at least the reasons discussed below.

### **I. Preliminary Issues**

Applicants' Substitute Power of Attorney filed December 4, 2007 was not accepted by the Patent Office because a chain of title to Applicants' current assignee was not apparent. Applicants accordingly provide the enclosed Resubmission of Substitute Power of Attorney along with necessary documentation to establish a chain of title to Tate ASP Access Floors, Inc. in accordance with 37 CFR §3.73(b). Entry of the Substitute Power of Attorney and recognition of Tate ASP Access Floors, Inc. as the assignee are respectfully requested so that all future Patent Office communications may be timely forwarded to Applicants' legal representative.

Although surprised by the sudden reversal of position, Applicants acknowledge: (1) withdrawal of the previously indicated allowability, (2) withdrawal of acceptance of the drawings, and (3) rescindment of acknowledgement of the certified copy of the priority application. Applicants will submit the requested certified copy upon indication of allowability.

### **II. Formal Matters**

In the Office Action, the drawings are objected to for twenty-one specified reasons. Attached herewith are replacement formal drawings in which the noted informalities have been remedied. No new matter is added.

In particular, to address objection (1), the objected to boxes have been removed. To address objections (2), (8) and (11), the outline of the identified subfloor has been added to

FIGS. 1-3. Accordingly, the underline of element 50 is now proper. To address objections (3), (5), (7), (9), (12), (17), and (18), the noted lead lines have been revised as indicated. To address objection (4), the "hidden" pedestals have been drawn in phantom lines as requested.

To address objections (6) and (21), the requested brackets have been added. To address objections (10) and (15), the extra lead lines have been removed. To address objection (13), the objected to straight line has been removed. To address objection (14), the line breaks have been revised for consistency.

To address objection (16), the cross-section for the gasket has been revised consistent with the specification (a synthetic polymer material as indicated in paragraph [0026] of the specification). To address objection (19), the noted vertical line has been given reference numeral 96. The corresponding specification has been revised to reflect this numbering.

Finally, regarding objection (20), the Examiner questions why the diffuser 70 is different on either side of the vertical straight line. As requested, the specification is revised to clarify that FIG. 6 is a partial sectional view revealing interior details to the right of phantom line 96. This is supported, for example, by the original drawings and paragraph [0021]. Accordingly, no new matter is added.

For the foregoing reasons, the drawings comply with requisite drafting requirements. Approval of the replacement drawings and withdrawal of the objections are respectfully requested.

In the Office Action, the drawings are also objected to under 37 CFR 1.84(p)(5) for failure to reference numeral "11" from FIG. 2 in the specification. Because reference to element "11" has been removed, this objection is moot. Withdrawal of the objection is respectfully requested.

In the Office Action, the specification is objected to. By this Amendment, the noted changes have been made. Accordingly, the objection is overcome. Withdrawal of the objection is respectfully requested.

In the Office Action, the title is objected to. By this Amendment, the title is revised to be more descriptive. Approval of the amended title is respectfully requested.

**III. The Pending Claims Define Patentable Subject Matter**

In the Office Action, claims 12, 15, and 16 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,759,005 to Smith. Additionally, claims 1, 6, 7, and 10 are rejected under 35 U.S.C. §102(b) or alternatively under 35 U.S.C. §103(a) over Smith. Applicants respectfully traverse these rejections.

Independent claims 1 and 12 are amended and recite, *inter alia*, that the first portion (of the gasket) has an elongate trim portion attached to the floor panel adjacent the top planar surface and a resilient portion that forms a lowermost portion of the gasket that is adjacent the bottom planar surface, the resilient portion having a convex profile. This is shown, for example, in Applicants' FIG. 4.

Smith discloses a gasket attached to a top end wall of an access panel (convex portion 28 provided on an elongate trim portion 21 as shown in FIGS. 4-5). Smith does not attach the trim portion to the top of the floor panel, and instead teaches attachment using serrated tongue 27 in the lower extremity of the panel. Additionally, Smith teaches locating the flexible part of the gasket at the top of the access floor panel.

Because Smith fails to teach or suggest each and every feature of independent claims 1 and 12, these claims and claims dependent therefrom are not anticipated by Smith. Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 17-25 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,850,176 to Munsey et al. Applicants respectfully traverse this rejection.

Independent claim 17 is amended to recite, *inter alia*, that the first portion has a top U-shaped portion that engages and surrounds a top edge of the rib portion of the peripheral edge of the panel. Independent claim 21 similarly recites this top U-shaped portion. This is shown, for example, by the U-shaped flange portion 22 of the gasket surrounding and engaging the top edge of rib portion 42 in Applicants' FIG. 4. Additionally, claim 17 specifies that the sealing portion forms a lowermost portion of the gasket defined by a convex sealing surface located below the flange portion (FIG. 4).

Munsey discloses an end gasket 40 formed of a vinyl material that engages a metal lip 82 of an access floor panel and has a generally quarter circle profile. One of ordinary skill in the art would readily recognize that the contact area with an adjacent access panel will be at an upper extremity of the gasket, above the metal lip 82. Additionally, although alleged to be flexible and resilient, these characteristics are not inherent in the Munsey teachings.

Munsey also does not provide a top U-shaped portion that engages and surrounds a top edge of the rib portion as recited in claims 17 and 21. Instead, element 40 only engages a vertical surface of sidewall 132 (FIGS. 4, 6). Munsey also does not provide a sealing portion that forms a lowermost portion of the gasket defined by a convex sealing surface located below the flange portion (alleged to be metal lip 82) as recited in claim 17. Instead, as discussed above, any sealing contact occurs at the top of element 40.

Because Munsey fails to teach or suggest each and every feature of independent claims 17 and 21, these claims and claims dependent therefrom are not anticipated by Munsey.

Independent claim 24 is revised to clarify that a lowermost portion of the gasket forms a sealing portion having a convex profile that is depressible into a flattened profile.

Any sealing contact in Munsey is achieved at the upper portion of element 40 (FIGS 4, 6). Moreover, Munsey fails to teach that the sealing portion is depressible into a

flattened profile. Instead, as discussed previously, because only a general reference to a vinyl material is provided, there is no inherent flexibility or resiliency to element 40.

Because Munsey fails to teach or suggest each and every feature of independent claim 24, this claim and claim 25 dependent therefrom are not anticipated by Munsey.

Withdrawal of the rejection is respectfully requested.

**IV. New Claims 26-31 Define Patentable Subject Matter**

Claims 26-31 are added. Claims 26 and 27 depend from claims 1 and 12, respectively, and add the top U-shaped feature. This feature is supported, for example, in Applicants' FIG. 4. This feature is not found in Smith. Accordingly, claims 26-27 are allowable for their dependence on allowable base claims and for the additional features recited therein.

Dependent claims 28 and 30 depend from claims 17 and 21, respectively, and add that the convex portion has a convex outer surface and a concave inner surface. This is supported, for example, by Applicants' FIGS. 4-5. Dependent claims 29 and 31 depend from claims 28 and 30, respectively, and add that the convex portion has a substantially constant thickness. This feature is supported, for example, by Applicants' FIGS. 4-5. These features are not found in Munsey. Instead, Munsey teaches a generally quarter round profile with a changing thickness and a flat inner surface. Accordingly, claims 28-31 are allowable for their dependence on allowable base claims and for the additional features recited therein.

**V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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DMS:SPC/ccs

Attachments:

Replacement Sheets

Resubmission of Substitute Power of Attorney with Attachments

Date: March 13, 2008

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